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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Sixth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland under article 19 of the Convention pursuant to the optional reporting procedure, due in 2017*, **

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* The fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (CAT/C/GBP/5) was considered by the Committee at its 1136th and 1139th meetings, held on 7 and 8 May 2013 (see CAT/C/SR.1136 and 1139). Having considered the report, the Committee adopted concluding observations (CAT/C/GBP/CO/5).

** The present document is being issued without formal editing.

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Abbreviations/Glossary

ACCT	Assessment, Care in Custody and Treatment
BBC	British Broadcasting Corporation
CAT	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW-OP	United Nations Optional Protocol to the Convention Against the Elimination of All Forms of Discrimination Against Women
CMP	Closed Material Procedure
Core Document 2014	Core Document 2014 of the United Kingdom, British Overseas Territories and Crown Dependencies[1]
CPS	Crown Prosecution Service
Crown Dependencies	There are three Crown Dependencies: Bailiwick of Guernsey; Bailiwick of Jersey; Isle of Man. The CAT has been extended to all three Crown Dependencies.
CRPD-OP	United Nations Optional Protocol to the Convention on the Rights of Persons with Disabilities
DoLS	Deprivation of Liberty Safeguards
DPP	Director of Public Prosecutions
ECHR	Council of Europe European Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	Council of Europe European Court of Human Rights
EU	European Union
FGM	Female Genital Mutilation
FOIA	Freedom of Information Act 2000
HMCIP	Her Majesty's Chief Inspector of Prisons
HMICFRS	Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services
HMICS	Her Majesty's Inspectorate of Constabulary for Scotland
HMIP	Her Majesty's Inspectorate of Prisons
HMIPS	Her Majesty's Chief Inspector of Prisons for Scotland
HMP	Her Majesty's Prison
HMPPS	Her Majesty's Prison and Probation Service
HMPS	Her Majesty's Prison Service
HMRC	Her Majesty's Revenue and Customs
HRA	Human Rights Act 1998
ICCPR	United Nations International Covenant on Civil and Political Rights
ILO	International Labour Organization

[1] HRI/CORE/GBR/2014 — http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/CoreDocuments.aspx

Response to the UN "list of issues prior to reporting"[2]

1. In accordance with the Optional Reporting Procedure,[3] this response constitutes the 6th UK periodic report under the CAT. An overview of the constitutional structure of (and other basic information on) the UK, Crown Dependencies and Overseas Territories was provided in the Core Document 2014. In preparing this report, the UKG liaised with the Devolved Administrations, Crown Dependencies and Overseas Territories as appropriate. The response reflects their contributions: where the response is silent in relation to specific Devolved Administrations, Dependencies or Territories, it means that there are no major developments to report since 2011.

Paragraph 1 — Follow up questions from the previous reporting cycle

2. See the response below to Paragraphs 14, 33 and 35 of the UN "list of issues prior to reporting".

Paragraph 2 — Measures taken to incorporate treaties into domestic law

3. Torture remains a criminal offence in the UK under section 134 Criminal Justice Act 1988, with a maximum penalty of life imprisonment. Aiding and abetting torture is a criminal offence under section 8 of the Accessories and Abettors Act 1861 and subject to the same maximum penalty. Further, Article 3 ECHR, as given effect in the HRA, provides that no one shall be subjected to torture, inhuman or degrading treatment or punishment, and victims can rely upon it in civil and criminal proceedings.

4. The UK remains a party to the ICCPR whose Article 7 also prohibits torture.

Cayman Islands

5. Following the implementation of Part 1 of the Bill of Rights, Freedoms and Responsibilities of the Constitution in November 2012 and November 2013 torture and inhuman treatment is now expressly prohibited and a Human Rights Commission has been established under section 116 of the Constitution.

Falkland Islands

6. The new Crimes Ordinance 2014 came into force in April 2017. This legislation creates a specific offence of torture in the Falkland Islands. Previously acts of torture would have been covered by other offences under the criminal law. The Falkland Islands' commitment to preventing acts of torture was solidified by the Executive Council's formal adoption of the Police Codes of Practice in April 2014.

Paragraph 3 — Human Rights Act and Bill of Rights for Northern Ireland

7. The HRA gives further effect to rights contained within the ECHR, and this UKG has stated that the UK will remain party to the ECHR for the duration of this Parliament. The UKG will consider further the human rights legal framework when the process of leaving the EU concludes, and consult fully on any proposals in the full knowledge of the new constitutional landscape that this will create.

8. The UKG is committed to honouring the devolution settlements and the Belfast (Good Friday) Agreement and is willing to consider proposals for Northern Ireland specific rights if sufficient consensus can be reached.

Paragraph 4 — Extraterritorial application of the Convention

9. The UKG continues to take the view that the international human rights obligations under the UN treaties ratified by the UK, including CAT, are primarily territorial and do not have extraterritorial effect. The UK Armed Forces continue to be subject to the rule of law

[2] CAT/C/GBR/QPR/6

[3] http://www.ohchr.org/EN/HRBodies/CAT/Pages/ReportingProcedures.aspx

at all times, including the domestic criminal law of England and Wales, and where applicable, international law. The Service Police will investigate credible allegations against members of the Armed Forces, wherever in the world the incident may have occurred. In appropriate cases, these will result in a prosecution before a service court pursuant to the Armed Forces Act 2006.

Paragraph 5 — Criminal Justice Act 1988

10. There are no plans to repeal sections 134 (4) and (5) Criminal Justice Act 1988. The rationale for these provisions remains as set out in the 4th UK periodic report under the Convention.[4]

Paragraph 6 — Legal aid reform

11. Through the Legal Aid, Sentencing and Punishment of Offenders Act 2012, the UKG has reformed the scope of the civil legal aid scheme in England and Wales, but the availability of funding has been maintained for the highest priority cases, for example, where people's life or liberty is at stake or where their children may be taken into care and for victims of domestic violence.

12. Where a matter is out of the scope of the civil legal aid scheme, exceptional case funding is available where failure to provide legal aid would breach the applicant's rights under the ECHR or EU law, or where funding is appropriate having regard to the risk of breach.

13. Victims of human trafficking, slavery, servitude or forced or compulsory labour can apply for civil legal aid for: applications to leave, to enter or to remain in the UK; to make a claim under employment law; or, make a claim for damages in relation to their exploitation.

14. In cases relating to applications for leave, to enter, or to remain in the UK, legal aid is available if there has been a conclusive determination that the individual is a victim of trafficking in human beings or of slavery, servitude or forced or compulsory labour; or if a competent authority has determined that there are reasonable grounds to believe that the applicant is such a victim and there has not been a conclusive determination that the individual is not such a victim.

Scotland

15. The eligibility criteria for those accessing legal aid in Scotland are consistent and transparent. The SG announced a comprehensive independent review of legal aid on 2 February 2017 to explore how best the legal aid system can contribute to improving people's lives now and in the future.

Montserrat

16. Since 2013 a more inclusive legal aid system was developed: the social services would conduct a means test on each case and make a recommendation to the Attorney General that legal aid is required.

Paragraph 7 — Consolidated guidance to intelligence officers and service personnel

17. The UKG is committed to ensuring the Consolidated Guidance remains fit for purpose and its use is overseen, on a statutory basis, by the Investigatory Powers Commissioner.

Paragraph 8 — Closed material procedure

18. The HRA continues to protect the right to a fair trial. The Justice and Security Act 2013 empowers senior courts across the UK to apply a CMP in civil cases involving sensitive material, the disclosure of which would be damaging to national security. The process contains strong judicial safeguards, and its use is closely monitored in the form of

[4] Paragraphs 39–42 of CAT/C/67/Add.2.

public annual reports to the UK Parliament.[5] These statistics show that CMPs were used in a very small number of cases in the past three years, a few of which concerned proceedings in Northern Ireland. Information on open judgments involving a CMP is generally available via open sources as well as subscription-based legal databases. Anti-terrorism legislation is also regularly reviewed by the Independent Reviewer of Terrorism Legislation.

Paragraph 9 — Non-jury trials in Northern Ireland

19. Following a full public consultation in 2016, the Secretary of State for Northern Ireland decided to renew non-jury trial provisions for a further two years in July 2017 and to keep them under regular independent review. They will now next expire in July 2019.

Paragraph 10 — Seconding individuals to the National Preventive Mechanism bodies

20. The UKG considers that there are sufficient safeguards in place to ensure that where an interchange takes place and a State official changes roles to join one of the UK's independent NPM bodies, the independence of that body is not compromised.

21. The UK NPM has its own policy[6] on independence of personnel (relating to secondees) which they developed as a direct result of the CAT Concluding Observations.

22. The UK NPM is uniquely constituted of 21 independent monitoring, inspecting and visiting bodies, who between them oversee the detention of individuals in a huge variety of settings across England, Wales, Scotland and Northern Ireland. They individually receive funding, with additional funding provided to HMIP within which the coordination functions for the UK NPM sit.

Paragraph 11 — Violence against women

23. The UKG remains firmly committed to tackling violence against women and girls. The Violence against Women and Girls strategy, originally published in 2010, was most recently updated in 2016 with a pledge of £100 million in funding which includes rape support centres, refuges and FGM and Forced Marriage Units. New laws and tools have been introduced to protect victims including: criminalisation of forced marriage; allowing members of the public to ask the police if their partner may pose a risk to them; two new stalking laws; roll-out of domestic violence protection orders; new offence of domestic abuse covering controlling and coercive behaviour; new measures to protect vulnerable victims and witnesses; new offence criminalising the disclosure of private sexual photographs and films without the consent of the individual who appears in them and with intent to cause that individual distress.

24. The Rape Action Plan was launched in 2014 to ensure that investigators and prosecutors have the right tools for handling rape cases, and achieving continuous improvement through robust oversight and accountability. In December 2016, the UKG published a new National Statement of Expectations which sets out a blueprint for local action on VAWG.

25. In 2017 the UKG announced that Relationship and Sex Education will be put on a statutory footing so that every child has access to age appropriate provision in a consistent way.

26. FGM has been a specific criminal offence in the UK since 1985 but there has never been a successful prosecution. In 2015 a number of provisions were introduced to strengthen the law on FGM to help break down barriers to prosecution. These provisions (applicable in England, Wales and Northern Ireland), included extending the reach of the extra-territorial offences in the Female Genital Mutilation Act 2003 to habitual (as well as permanent) UK residents. This removed the restriction that where FGM had been committed abroad, prosecutions could not be brought where those involved were not, at the

[5] https://www.gov.uk/government/collections/use-of-closed-material-procedure-reports.

[6] https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2015/05/NPM-guidance_Ensuring-the-independence-of-NPM-personnel.pdf.

material time, permanent UK residents. Extending the reach of the extra-territorial offences was made possible in Scotland by s.70 Serious Crime Act 2015.

27. Victims of alleged offences of FGM have been given lifelong anonymity to encourage more victims to come forward and report offences. FGM Protection Orders were introduced in July 2015 which offer a specific legal means to protect and safeguard victims and potential victims of FGM. A new offence of failing to protect a girl from the risk of FGM was also introduced in 2015 together with a mandatory reporting duty which requires regulated health and social care professionals and teachers in England & Wales to report 'known' cases of FGM in under 18s to the police.

28. Between 15 July 2015 and 31 March 2017, 137 applications were made for a FGM Protection Order, with 113 orders granted. The majority of applications made (96%) relate to a girl at risk who is aged 17 or less.

Northern Ireland

29. The Justice Act (Northern Ireland) 2015 introduced Domestic Violence Protection Notices and Domestic Violence Protection Orders. Female Genital Mutilation Protection Orders also came into force in July 2015 under Section 73 of the Serious Crime Act 2015.

30. The Rowan Sexual Assault Referral Centre became operational on 7 May 2013. It provides support, information and direct care to anyone directly affected by sexual violence and abuse whether this occurred recently or in the past. The Government funded Freephone 24 hour Domestic Violence Helpline was extended to include Sexual Violence in September 2013. In May 2016 the Stopping Domestic and Sexual Violence and Abuse Strategy was also launched. This is supported by a Year One Action Plan which includes the creation of a specific domestic abuse offence to capture coercive and controlling behaviour within an intimate or close familiai relationships; the development of an appropriate model to identify lessons learned in cases of domestic homicide in Northern Ireland; and the development of a domestic violence disclosure scheme for Northern Ireland.

31. A new five-year Victim and Witness Strategy has also been introduced which aims to provide new or enhanced services to victims and witnesses, including victims of domestic and gender based violence.

32. Data from the PSNI for the 2013–2016 period shows that there were 12 female victims of domestic abuse homicide; and 25, 677 female victims of domestic abuse crimes, of which 22,698 were over the age of 18. In the two-year period 2014-2016, the Rowan Sexual Assault Referral Centre received 961 female referrals of which 327 were for young people under the age of 18.

Scotland

33. The SG is implementing 'Equally Safe', a strategy to tackle all forms of violence against women and girls, with funding of £11.8 million (2017–18) from the equality budget and an additional £20 million (2015–18) from justice budgets. In February 2016, 'Scotland's National Action Plan to Prevent and Eradicate FGM' was published. A Multi Agency Group is overseeing implementation and monitoring progress of the actions from the plan. The SG is investing over £270,000 for 2017–18 to raise awareness of FGM, support those affected and work with third sector and statutory partners, including those in potentially affected communities.

34. Police Scotland has established a National Domestic Abuse Taskforce to target the most prolific perpetrators, and the Crown Office has a dedicated National Prosecutor for Domestic Abuse.

35. In addition to the general availability of publicly-funded legal assistance, the SG has provided funding, through the Scottish Legal Aid Board, to support the Scottish Women's Rights Centre, which offers free legal information and advice to women who have experienced gender-based violence.

36. In March 2016, the Scottish Parliament passed the Abusive Behaviour and Sexual Harm Act which creates a specific offence of sharing private intimate images without consent. The SG has introduced the Domestic Abuse (Scotland) Bill which will, if passed by the Scottish Parliament, provide for a specific offence of domestic abuse (including forms of psychological abuse and coercive and controlling behaviour that cannot easily be prosecuted using existing criminal law).

37. In 2017 the SG is refreshing the 2010 guidance 'The National Approach to Anti-Bullying for Scotland's Children and Young People'.

38. A range of statistical data is collated by the SG on convictions and victims of crime, including cases involving gender-based violence.[7]

Wales

39. The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 aims to improve the public sector response in Wales to such abuse and violence. Its provisions include the appointment of a National Adviser, the creation of a National Training Framework and the publication of a National Strategy on Violence against Women, Domestic Abuse and Sexual Violence. The Strategy for 2016 to 2021 was published in November 2016 with the intention of the providing strong, strategic direction which promotes consistency and best practice in the way in which these issues are tackled across Wales.

40. The WG, working with key stakeholders, is currently in the process of revising its 'Respecting Others' guidance — which is a suite of comprehensive anti-bullying guidance covering 5 key areas — including sexist, sexual and transphobic bullying.

41. The All Wales Honour Based Violence Leadership Group has been set up to take forward actions in Wales in regards to Honour Based Violence, Forced Marriage and FGM. The Wales FGM, Health and Safeguarding Forum are engaging with a wider stakeholder base with communities for awareness raising, training and prevention initiatives. In 2016 an FGM Care Pathway for Wales was developed which promotes referral of any women affected by FGM into primary care mental health services or third sector provision. FGM Safeguarding Leads have been appointed in all Health Boards. A data collection process has been developed and monthly data on women and girls identified with FGM is being collated by Public Health Wales from maternity services across Wales, as part of routine enquiry. Any female infants born to women who have undergone FGM are being referred as a matter of course to social services for protective intervention. Further work is underway to ensure data is collected from other areas.

Guernsey

42. In January 2016, the States of Guernsey approved its second edition of the Domestic Abuse Strategy 2016 to 2020 for Guernsey and Alderney providing a framework around which both statutory and voluntary agencies will work together to reduce the incidence and impact of domestic abuse.[8]

Anguilla

43. CEDAW was extended to Anguilla in 2016.

Bermuda

44. CEDAW was extended to Bermuda in 2017.

[7] http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/crime-and-justice-survey/publications
http://www.gov.scot/stats/bulletins/01260
http://www.gov.scot/Publications/2016/05/2243
http://www.gov.scot/Publications/2016/09/2960
http://www.gov.scot/Publications/2016/10/2442/0
http://www.gov.scot/Publications/2016/10/2442/0

[8] Domestic Abuse Strategy 2016 to 2020 — https://www.gov.gg/CHttpHandler.ashx?id=101503&p=0

Cayman Islands

45. CEDAW was extended to the Cayman Islands in 2016.

Falkland Islands

46. The new Crimes Ordinance 2014 creates a number of offences that relate to crimes that exclusively or mostly affect women. This includes the offence of female genital mutilation, forced marriages, slavery, servitude and forced or compulsory labour, offences relating to exploitation of prostitution and sex trafficking.

47. An anti-domestic violence and abuse campaign is currently under way and has a budget of £20,000 to fulfil its aim.

St Helena, Ascension and Tristan Da Cunha

48. CEDAW was extended to St Helena, Ascension and Tristan in 2017.

49. Significant progress has been made since the publication of the Wass Inquiry Report into allegations surrounding child safeguarding issues on St Helena and Ascension Island in 2015. Additional funding has been provided by the UKG which has enabled the creation of a Safeguarding Directorate to safeguard children and vulnerable adults.

Paragraph 12 — Human trafficking

50. The Modern Slavery Strategy 2014 sets out a comprehensive approach to tackling modern slavery. The Modern Slavery Act 2015 introduced measures including a maximum penalty of life imprisonment for perpetrators and enhanced support and protection for victims. The Act also included provisions for a transparency in supply chains measure for businesses, and for an Independent Anti-Slavery Commissioner.

51. The Act has introduced a bespoke Reparation Order which will enable the courts to ensure that more money from those convicted of slavery and/or exploitation offences goes directly to their victims. Where the perpetrator has assets available, as evidenced by a Confiscation Order, the court must consider making a Reparation Order to provide reparation to the victim for the harm that they have suffered and give reasons if it does not.

52. In June 2016, section 48 of the Modern Slavery Act 2015 which provides for the introduction of specialist independent advocates for trafficked children, was commenced and three such advocates have been introduced so far.

53. In July 2016, an independent review into the effectiveness of the criminal justice provisions in the Modern Slavery Act 2015 was published. The review found that the Act itself had set an international benchmark to which other jurisdictions aspire, but highlighted the need for greater consistency across the criminal justice agencies to ensure best use was made of its provisions. The review made 29 recommendations about how the police and criminal justice response to modern slavery could be improved. The UKG made £8.5million available to transform the police response to modern slavery. This is being used to improve collection, assessment and use of intelligence on modern slavery, including through the launch of a central multi-agency intelligence centre. A Modern Slavery Taskforce was also established to improve the operational response to tackling modern slavery. The taskforce is made up of Government Ministers, intelligence and experts from outside Government.

54. Since July 2011, the UKG has funded a specialist care contract for adult victims of modern slavery in England and Wales. The contract is currently run by The Salvation Army who provides support, including secure accommodation, through 12 specialist subcontractors.

55. The NRM is the UK's identification and support mechanism for potential victims of modern slavery, including human trafficking. Support is available to all adult victims who are referred to the NRM and where it is considered that there are reasonable grounds for considering that they are a victim of modern slavery. The support is available for at least a 45 day reflection and recovery period, or until a 'conclusive grounds' decision about their victim status has been made.

56. The UKG commissioned a review of the NRM in 2014, and in August 2015 the UKG, in consultation with civil society and operational delivery partners, launched a pilot to test the resulting recommendations in two locations: West Yorkshire police force area; and the South West. The pilot concluded at the end of March 2017. An evaluation of the pilot was published on the UKG's portal in October 2017.[9]

57. In 2016 the UK's NRM received 3,805 referrals of potential victims; this represents a 17% increase on 2015 referral totals. The potential victims were reported to be from 108 countries of origin. The 3,805 referrals comprised of 1,936 females (51%) and 1,864 males (48%) and 5 (<1%) recorded as transgender. 2,527 (66%) were referred for adult exploitation categories and 1,278 (34%) referred for exploitation as a minor.[10]

58. Data is not collated centrally about the number of complaints or investigations related to modern slavery, including human trafficking. However, a breakdown of prosecutions and convictions under both the Modern Slavery Act 2015 and the previous anti-slavery legislation can be found on the UK Parliament's website as a response to a Parliamentary Question.[11] Selected offences prosecuted at magistrates' courts and convicted at all courts, England and Wales, 2013, 2014 and 2015 can be found on the UKG's portal.[12]

59. The UKG successfully lobbied for the establishment of the first ever UN's Sustainable Development target (SDG 8.7) to end modern slavery, which commits global efforts to tackling modern slavery and commits countries to "Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms".

60. The UK ratified the Protocol of 2014 to ILO Convention 29 on Forced Labour, signalling its commitment to stamping out labour exploitation.

Northern Ireland

61. A new framework around human trafficking and exploitation was introduced by way of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. The Act reinforces Northern Ireland's defences against human trafficking and slavery and enhances the protection and support for victims of these offences. Section 18 of the Act sets out the assistance and support that is available to adult potential victims of human trafficking who are referred to the NRM. The delivery of support services to potential adult victims of human trafficking are provided by two organisations: Migrant Help and Belfast and Lisburn Women's Aid. The support package includes, as required, access to safe accommodation and material assistance for victims of human trafficking. It also provides help to access specialised care including medical treatment, psychological assistance, counselling and information. Potential adult victims are also provided with assistance to access translation, interpretation and legal services and provided with help to access compensation.

62. Section 10 of the Act enables courts to order individuals convicted of human trafficking and slavery-like offences to pay reparation to their victims.

63. The Act also made provision for the introduction of independent guardians for trafficked and separated children. The Northern Ireland Department of Health and the Health and Social Care Board are working towards implementation of this service.

64. In 2015/16 the PSNI Human Trafficking Unit made 12 arrests for human trafficking offences. In 2016 five people were convicted of human trafficking related offences and three received custodial sentences.

[9] https://www.gov.uk/government/publications/an-evaluation-of-the-national-referral-mechanism-pilot

[10] http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2016-nrm-statistics/788-national-referral-mechanism-statistics-end-of-year-summary-2016

[11] http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-10-17/48815/

[12] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/559690/Modern_Slavry_HDMG_Report_2016.pdf

Scotland

65. The Scottish Parliament has passed the Human Trafficking and Exploitation (Scotland) Act 2015. Among other things, the Act consolidates and strengthens criminal law against human trafficking and exploitation. The offences in the Act now carry a maximum penalty of life imprisonment. It also introduces trafficking and exploitation prevention and risk orders and takes forward improved protection for victims, through the Lord Advocate's instructions on the presumption against the prosecution of victims of trafficking and exploitation in certain circumstances, and by placing a duty on Scottish Ministers to provide support and assistance for adult victims of human trafficking.

66. A Trafficking and Exploitation Strategy was laid before the Scottish Parliament on 30 May 2017 and will be reviewed every three years. A public awareness raising campaign was launched on 29 August 2017.

67. The Victims and Witnesses (Scotland) Act 2014 obliges Police Scotland to direct victims of crime towards the Victims' Code for Scotland, which contains information about compensation and is available in a number of languages. Regulations will increase the length of time for which adult victims of human trafficking and exploitation recovered in Scotland would be provided with support from 45 to 90 days. Victim support organisations routinely assist victims in understanding the support that may be available. The SG provides funding to Migrant Help and the Trafficking Awareness Raising Alliance (TARA) to provide specialised support services. In 2013, the SG published Inter-agency Guidance for Child Trafficking. It has already invested in an additional Guardianship support service for unaccompanied child trafficking victims.

68. Since May 2013 proceedings have been raised in respect of 65 human trafficking charges in Scotland. Two convictions have led to imprisonment, and proceedings in respect of 38 charges are ongoing.

Wales

69. In 2011 the WG appointed an Anti-Slavery Co-ordinator whose role is to make Wales hostile to slavery and to co-ordinate the best possible support for survivors. The Government also established the Wales Anti-Slavery Leadership Group to provide strategic leadership and guidance on how to tackle slavery in Wales and also, to provide the best possible support for survivors. The WG has worked closely with key agencies to determine the scale, types and location of slavery taking place in Wales. This work is helping to improve intelligence and recording of incidents in Wales, using the UK NRM, and to increase cases within the Criminal Justice System.

Paragraph 13 — Asylum claims

70. In the year ending March 2017, 28,891asylum claims were received. In the same period 9,634 grants of asylum or an alternative form of protection to main claimants and their dependants were made and an additional 6,245 people were provided with protection and support under a resettlement scheme.

71. Of the total number of claimants 3,680 were from unaccompanied asylum-seeking children (UASC). 1,747 initial decisions were made during this period in relation to UASC claims and of these 38% were grants of asylum or another form of protection, and 40% were grants of temporary leave. UASC claims that are refused will include those from countries where it is safe to return children to their families.

72. Statistics in relation to asylum claims are published quarterly.[11]

73. There remains a right of appeal to the independent Immigration and Asylum Tribunal against a decision to refuse a protection claim (asylum and humanitarian protection claims), a human right claim and a decision to revoke protection status.

[11] https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2017/how-many-people-do-we-grant-asylum-or-protection-to

Paragraph 14 — Extraditions & Deportations

Extraditions

74. Extradition from the UK generally takes place under treaties or international agreements. Specific human rights safeguards are enshrined within the UK's domestic extradition legislation and it is a matter for the UK courts to determine whether a person's extradition is compatible with their human rights. As such, in the majority of cases the UK would not require diplomatic assurances about specific aspects of a person's treatment if extradited.

75. Nevertheless, where the courts have substantial grounds to believe that a person's human rights are at risk of being breached were extradition to be ordered, they or the CPS, who act on behalf of the requesting State, may invite the requesting State to provide an assurance. In addition, where necessary, the Home Secretary may seek an assurance that the death penalty will not be imposed or carried out. It is the responsibility of the requesting State to provide such an assurance. The UK would regard such assurances as binding on the country requesting extradition. If the court is not satisfied with the assurance it may discharge the requested person on the grounds that extradition would not be compatible with their human rights, in accordance with its obligations under the Extradition Act 2003.

Deportations

76. The UKG has reached agreements with a number of countries which facilitate deportation from the UK with assurances.[14] Most of these agreements include a provision for monitoring by an independent body. These monitoring provisions do allow for the monitors to accompany the detainee from the UK, and following their return, if they are detained, for frequent and unannounced access. The monitoring terms of reference for these countries also require that visits are conducted in private, with an interpreter if necessary, by experts trained to detect physical and psychological signs of torture and ill-treatment. Monitors can also arrange for medical examinations to take place at any time if they have concerns over a detainee's physical or mental welfare. On a number of occasions, such agreements have been accepted by the UK Courts as being in accordance with Article 3 ECHR — see, for example, the ECtHR's approval of the UK's approach to monitoring.[15] When identifying a third party to act as a monitoring body the UK will consider a number of factors. These can include the UK's existing relationship and knowledge of the third party organisation, open source reporting, independently commissioned reports to establish independence and capacity to fulfil the role, as well as detailed discussions with the third party themselves. A monitoring body must also be able to report directly, and in confidence, to the UKG. The verification process can be challenged by the deportee in the UK courts and before ECtHR. Ultimately the precise nature of the monitoring arrangements required will depend on the circumstances of the case.

77. In total, there have been 11 deportations with assurances and one administrative removal using assurances in total and none since November 2013.

Paragraph 15 — Statelessness

78. In April 2013, the UKG incorporated a new procedure to enable stateless persons who have no right to reside in any other country to be formally determined as stateless, and to be granted leave to remain. The policy was most recently updated in February 2016. The requirements to be recognised as stateless and granted leave to remain on that basis are set out in the Immigration Rules and reflect the 1954 UN Convention relating to the Status of Stateless persons. The policy is designed to assist those who do not qualify for asylum or other forms of protection but are unable to return to their country of former habitual residence or any other country because they are stateless.

[14] https://www.gov.uk/government/collections/memoranda-of-understanding-on-deportations-with-assurances

[15] *Othman (Abu Qatada) v. United Kingdom* (application no. 8139/09)

79. A specific application form is available for those who wish to apply for stateless leave to remain and a dedicated team considers the applications received. Guidance in support of the procedure is drawn from the UN High Commissioner for Refugees' guidelines, as set out in its 2014 Handbook on Protection of Stateless Persons and is publicly available.[16] Successful applicants and any dependants who are granted leave to remain are entitled to take employment and have access to public funds. After completing five years limited leave in the UK, individuals and their dependants can apply for settlement and once settlement is granted they can apply for citizenship after 12 months.

Paragraph 16 — Universal jurisdiction of war crimes

80. War crimes under the Geneva Conventions Act 1957, and a small number of other grave offences, including torture, remain subject to universal jurisdiction. This enables prosecution to take place in the UK even though the offence was committed outside of the UK, and irrespective of nationality. A private prosecution can be brought in universal jurisdiction cases. It is open to any individual to initiate criminal proceedings by applying to the relevant court for a summons or an arrest warrant. Section 153 of the Police Reform and Social Responsibility Act 2011 was introduced to require the consent of the DPP before an arrest warrant can be issued on the application of a private prosecutor in respect of offences over which the UK has asserted universal jurisdiction. Requiring the DPP's consent is intended to ensure that an arrest warrant is issued only where there is a prospect of successful prosecution.

Paragraph 17 — Extradition treaties

81. Details of measures to criminalise torture in the UK can be found at paragraphs 39 to 41 of the UK's 4th periodic report.[17] See also the response to Paragraph 2.

82. An extradition offence is defined in the UK's domestic extradition legislation in sections 64 and 65 (category 1 territories), and Sections 137 and 138 (category 2 territories) of the Extradition Act 2003. See also the response to Paragraphs 14 and 16.

Paragraph 18 — Mutual judicial assistance treaties

83. General information on how mutual legal assistance requests are handled by the UKG, including a list of mutual legal assistance agreements, is publicly available on the UKG's portal.[18] The UKG continues to give full legal assistance under the Criminal Justice (International Co-operation) Act 1990 to foreign courts or prosecuting authorities. Between 2011 and 2016 (inclusive), the UK Central Authority for mutual legal assistance received 9 requests relating to torture offences. In the same period, the UK made 14 requests relating to torture to non-EU countries.

Paragraph 19 — Training for law enforcement officials

84. Torture, and aiding and abetting an act of torture, are criminal offences equally applicable to all law enforcement officials, prison staff and border guards. In addition, public officials are under a duty under the HRA to act compatibly with Article 3 ECHR.

85. As part of the Prison Officer Entry Level Training course, Prison Officers receive training on human rights including in relation to Article 3 ECHR. Staff are also trained in relation to the use of force and every use of restraint must be lawful, proportionate and necessary, and in full accordance with either the HMPPS policy on the use of force or, where a prisoner is being escorted outside of the prison estate, the policy on the escort of prisoners. Both of these policies were updated in 2015. All operational staff receive training in use of force techniques and they are responsible for ensuring that the use of force is only deployed after all reasonable efforts at persuasion have failed (or are judged unlikely to succeed) and it is necessary to intervene in order to, for example, prevent injury to staff, prisoners or damage to property.

[16] https://www.gov.uk/government/publications/stateless-guidance

[17] CAT/C/67/Add.2

[18] https://www.gov.uk/guidance/mutual-legal-assistance-mla-requests

86. Police forces in England and Wales undertake human rights awareness training as standard and training on the use of force. Human rights legislation is a core element of the National Policing Curriculum; and human rights awareness is embedded in the Code of Ethics and contextualised in training offered across a wide-range of training programmes for both operational and specialist policing roles. The College of Policing's Authorised Professional Practice also provides online advice for police officers on how to determine when the use of force is appropriate.

Scotland

87. Police Scotland and SPS both undertake human rights awareness training as standard. This training includes Police Scotland's Code of ethics and training on the ECHR. The Scottish Human Rights Commission supported HMIPS to develop training around human rights for volunteers Independent Prison Monitor.

Overseas Territories

88. Over the last 12 months, the UKG has invested significantly in providing UK best practice management development opportunities for senior and middle managers in places of detention across the Overseas Territories. Support is provided to the Prison Superintendents through regular dialogue with the FCO Prisons Advisor and bi-annual conferences to discuss updated best practice. The UKG has put in place a system of visits by the FCO Prisons Advisor, and his recommendations for improvement of standards is followed up regularly.

Paragraph 20 — Training for law enforcement officials into the use of Tasers

89. The UKG is clear that the police use of force must be lawful, proportionate and necessary. Taser, a form of conducted energy device, provides a less lethal alternative to conventional weapons such as firearms. The Home Secretary follows a stringent authorisation process before approving less lethal weapons for use by the police, which includes extensive technical and medical evaluations, as well as operational trials. Only less lethal weaponry that has been authorised by the Home Secretary may be used by police forces in England and Wales. Currently, only the Taser X2 and X26 models are authorised for use by the police.

90. The deployment of Taser is an operational matter for Chief Officers. Decisions on the number of officers who carry a Taser and how it is used are based on their assessment of threat and risk and in line with the police's Authorised Professional Practice. The use of Taser is limited to specially trained officers.[18] The Independent Police Complaints Commission has published a review of complaints and incidents relating to the use of conducted energy devices by the police from 2004 to 2013, a copy of which can be found on the Commission's website.[20]

91. Statistics on the police use of Taser are published regularly by the UKG.[21] In addition, following a police-led review requested by the UKG, from 1 April 2017 police forces across England and Wales have commenced recording a broad range of use of force data including the reason force was used, injury data, the gender, ethnicity and age of the individual, and the outcome of the incident. From July 2017, police forces are publishing this data locally, something they will do on a quarterly basis thereafter, and a subset of the data recorded by forces will be collated and published by the UKG on an annual basis. The publication of data relating to police use of force will provide unprecedented transparency and accountability and in the longer term will provide an evidence base to support the development of tactics, training and equipment to enhance the safety of all.

[18] http://www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/

[20] https://www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/Taser_report_final_2014.pdf

[21] https://www.gov.uk/government/collections/use-of-taser-statistics

Scotland

92. All Police Scotland Authorised Firearms Officers are trained in the use of Taser as a less lethal option to be used in support of armed operations. This training is delivered in line with current national UK practices and procedures as directed by the College of Policing and National Armed Policing. Further guidance is contained within the Authorised Professional Practise (Armed Policing), National Police Firearm Training Curriculum and the Statement of Intent on Police Use of Firearms and Less Lethal Weapons in Scotland.

93. There is a wide range of scrutiny measures and oversight arrangements in place to hold the Chief Constable of Police Scotland to account for the actions that he takes and the decisions that he makes. These checks and balances include oversight by the Scottish Police Authority, which reports annually to the Scottish Parliament and the Police and Investigations Review Commissioner whose reports are publicly available.[22]

St Helena, Ascension and Tristan Da Cunha

94. Taser devices are available to the Police Service on St Helena. The training for officers is in line with the UK policies, procedures and training.

Paragraph 21 — Training into evidence of torture

95. Prison officers undergo a comprehensive training programme aimed at developing skills to manage and care for individuals in custody; this training covers, amongst other topics, the use of force in custodial environments, understanding health and safety responsibilities in custodial environments, and understanding communication and interpersonal skills in custodial environments. In Scotland, England & Wales, prison staff undertake human rights awareness training.

96. The National Policing Curriculum, coordinated by the College of Policing for police officers, includes equality and human rights amongst the subjects covered.

97. All military personnel receive training in operational law. Operational law has a particular focus on the Law of Armed Conflict (LOAC), and covers applicable international humanitarian law and human rights law. All military personnel receive training on the following: applicability of LOAC; basic legal principles; protection of persons, places and objects; application of LOAC in the conduct of operations; and enforcement of LOAC. The minimum mandated training standard is measured annually across the services. Specific nominated civil servants and contractors also receive LOAC training. This annual training on LOAC is supplemented during pre-deployment training.

98. The content and standard of medical training is the responsibility of an independent statutory body, the General Medical Council, who are responsible for promoting high standards of education and training within the medical profession. Training offered includes training about the HRA.

99. Medical and health care in removal centres is governed by the Detention Centre Rules 2001. Guidance in support of Rule 35(3) of the Detention Centre Rules, which requires removal centre medical practitioners to report the case of any detained person who she or he is concerned may have been the victim of torture, was updated in the Detention Services Order 09/2016. Rule 35(3) reports are a mechanism to refer concerns to the Home Office, rather than medico-legal reports made under the Istanbul Protocol.

100. In September 2014, NHS England became responsible for commissioning health care in IRCs in England. In July 2015 and January 2017, NHS England held training events with staff from the Home Office and clinical staff working in IRCs, to support the identification and appropriate management of victims of torture. The training events were delivered by a number of presenters all of whom had particular experience around Rule 35 of the Detention Centre Rules. The training included sessions on: the documentation of injuries led by forensic doctors; how concerns that a person may have been a victim of

[22] http://pirc.scotland.gov.uk/

torture can be expressed clearly in a report for consideration by the Home Office; and Rule 35 (3) reports.

Paragraph 22 — Prison regulations

101. The Prison Rules 1999, made under the Prison Act 1952, provide the administrative framework for the treatment of prisoners in England and Wales. This is supplemented by guidance set out in prison service instructions and prison service orders which are regularly updated by the UKG.

102. In England and Wales, prisons are inspected by HMIP and monitored by the IMBs (the latter are locally based in each prison); both are members of the UK NPM. In addition, prisoners have access to a robust internal complaint system and may take up any complaints not resolved to their satisfaction with the independent Prisons and Probation Ombudsman. Prisons are also subject to inspection by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment whose reports are publicly available.[23]

Northern Ireland

103. Criminal Justice Inspection (NI) and Independent Monitoring Boards (NI) are designated bodies under the NPM. Through these arrangements all prison establishments are monitored and reports are published. The Northern Ireland Prison Service has mechanisms in place to respond to concerns raised by designated NPM bodies.

104. As part of the February 2010 Hillsborough Agreement, it was agreed that a review would be undertaken of the 'conditions of detention, management and oversight of all prisons'. In July 2010, the then Minister of Justice established a Prison Review Team (PRT). The PRT published a report on its findings in October 2011. The Prison Review Team made 40 recommendations for improving prison conditions. The formal reform programme came to a close in March 2016, with 36 of the 40 recommendations signed-off by the Oversight Group, meeting the previous Programme for Government target of 90%.

Scotland

105. Part 1 of the Criminal Justice (Scotland) Act 2016 will reform and modernise the system for arrest and custody procedures in Scotland. It will introduce a single statutory power of arrest for criminal offences, repealing the existing common law powers of arrest and the statutory detention provisions within the Criminal Procedure (Scotland) Act 1995 (1995 Act). Part 1 will also provide for enhanced solicitor access, repealing the current provisions contained within the 1995 Act. Part 1 of the 2016 Act is due to commence this winter.

106. The Community Justice (Scotland) Act 2016 makes provision for new community justice arrangements and established Community Justice Scotland, the new body to oversee community justice.

107. HMIPS introduced new 'Standards for Inspecting and Monitoring Prisons in Scotland' (March 2015). These were referenced against relevant law, international and professional guidance, policy and research findings. Monitoring is now carried out by Independent Prison Monitors, who are members of the public and representatives of civil society.

108. Prisoners may also take complaints to the Scottish Public Service Ombudsman if they are not satisfied with the response given to a complaint made under the Prisons and Young Offenders Institutions (Scotland) Rules 2011 (as amended).

Guernsey

109. The Prison (Guernsey) Ordinance 2013 and the Prison (Guernsey) Regulations 2013 entered into force in November 2013 and set out the framework for management of the

[23] http://www.coe.int/en/web/cpt/united-kingdom

prison and authorised the Independent Monitoring Panel to make unannounced and requested visits to the Guernsey Prison.

Jersey

110. In December 2016, the Prison (Jersey) Law 1957 was amended to include the appointment of the Independent Prison Monitoring Board to ensure compliance with the OPCAT, and enable Jersey to request the extension of the Optional Protocol.

Cayman Islands

111. In 2014 the management of the Immigration Detention Centre was handed over to the Her Majesty's Prison Services to strengthen overall management and processes in detention of migrants, including provision for detainees to see a nurse on their arrival in custody.

112. In 2016 the Mental Health Commission in collaboration with the Human Rights Commission developed a guide on Human Rights Essentials for Mental Health Practitioners. The purpose of the guide is to provide appropriate human rights training for persons working in the field of mental health.

Paragraph 23 — Prison overcrowding

113. Whilst the UKG does not propose to set arbitrary targets for reducing the prison population, we are embarking on a prison reform programme in England and Wales. The average percentage of prisoners in crowded accommodation was 24.5% in 2016–17, unchanged compared to 2015–16. Our reforms will see us close down ageing prisons and replace them with buildings fit for today's demands. There will be an investment of £1.3 billion to build modern establishments, with up to 10,000 uncrowded prison places that create the physical conditions for Governors to achieve better educational, training and rehabilitation outcomes.

114. Other measures to help reduce reoffending include, as of 1 February 2015, that all offenders released from short prison sentences receive 12 months of supervision in the community; and most offenders are also given continuous support by one provider from custody until release into the community, for example by receiving help and referrals necessary to obtain housing, employment and training.

115. The UKG is also committed to improving safety and decreasing violence across the prison estate. An extra 2,500 frontline officers will provide the capacity for prison officers to play a dedicated officer role and build constructive relationships with prisoners, reduce levels of frustration and, ultimately, reduce levels of violence.

116. The UKG has provided over 5,500 body-worn cameras across the prison estate, alongside training to improve staff interactions with prisoners, and it has also announced new measures to enhance intelligence capability with a £3m intelligence hub to tackle gang crime behind bars.

117. Any prisoner who commits an act of violence can expect to have action taken against them, including referral to the police where they have committed an offence. The UKG is working closely with the police and CPS to ensure that offenders face swift justice and that courts have full evidence of the harm caused, in order that they may face the strongest possible punishment. Two new offences have been introduced through the Serious Crime Act 2015, namely: being in possession of a knife or other offensive weapon within a prison without authorisation; and throwing of items over a prison wall without authorisation.

118. The UKG is also rolling out new training across the prison estate to support staff to identify the risks and triggers of suicide and self-harm and understand what they can do to support prisoners at risk.

119. Prisoners may be segregated under Rule 45 of the Prison Rules 1999 where it is desirable for the maintenance of good order and discipline in a prison, or in their own interests. Segregation under these circumstances is always for the shortest time necessary and the prisoner must be returned to normal location as soon as practicable or safe. Under

Rule 53, prisoners may also be segregated pending the start of an adjudication, and under Rule 55, they may be segregated by way of punishment where they are found guilty of an offence against discipline. The policy on segregation is clear that prisoners at risk of suicide or self-harm can be segregated only in exceptional circumstances and where they are such a risk to others that no other allocation is judged to be appropriate. While segregated, these prisoners must be subject to monitoring, including by healthcare professionals, according to individual assessment of need.

120. Lay observers and HMIP inspections include court custody arrangements and escorts. In relation to inspection of detention facilities across the UK and complaints mechanisms for prisoners see also the response to paragraph 22 above.

121. Statistics on the prison population in England and Wales are mainly collected in the Offender Management Statistics Quarterly.[24] Statistical information on youth justice is also available on the UKG's portal.[25]

122. In April 2013 responsibility for healthcare provision for those in custody moved to NHS England. In October 2016, NHS England published their strategic direction for health services in the justice system 2016-2020: Care not custody, Care in custody and Care after custody. This document sets out the NHS's strategy for improving the health of people in the justice system. Its focus supports the recommendations set out in the Five Year Forward View for Mental Health priority.

123. Liaison and Diversion (L&D) services identify and assess health issues and other vulnerabilities when offenders first enter the criminal justice system. Assessments help magistrates and judges divert vulnerable into services for treatment and/or away from custody (if appropriate).

124. L&D services are currently operating at a number of police stations and courts across England. Expansion has progressed over the course of year and services now work across 68% of police custody suites and courts in England, and is on track to meet the planned 100% coverage by 2020/2021. A Mental Health Treatment Requirement (MHTR) is one of three types of treatment requirement which may be made as part of a Community Order or a Suspended Sentence Order. The MHTR may be give to offenders convicted of an offence who are given a Community Order or Suspended Sentence Order and have a mental health problem which does not require secure in-patient treatment. The offender must consent to the MHTR. In 2017 the UKG plans to develop a new mental health protocol to ensure timely access to mental health services where the courts impose a MHTR as part of a sentence.

125. The new Health and Justice Information System will make the transfer of patient information much easier and quicker between the community and prison and back to the community. The settlement in the 2017/18 GP contract agreement to allow registration of prisoners before they are released, will also help with transfer of patient information. Collaboration with prison health and probation staff is important, to ensure smooth transition between prison and the community and continuity of care, treatment and support.

Northern Ireland

126. In Northern Ireland, the Conditional Early Release Scheme was launched by the Prison Service on 1 June 2015. It allows prisoners the opportunity to be released early, under strict licence conditions for rehabilitation and resettlement purposes.

127. In Northern Ireland there are a range of alternatives to custody available to courts after trial/conviction. These include Probation Orders, Community Service Orders and Combination Orders (a mixture of Probation and Community Service). At 31 December 2016 there were 1,442 people subject to Probation Officers, 648 people on Community Service and 395 on Combination Orders.

[24] https://www.gov.uk/government/collections/offender-management-statistics-quarterly

[25] https://www.gov.uk/government/collections/youth-justice-statistics

128. In addition, the Probation Board for Northern Ireland is running a pilot aimed at providing alternatives to custody in cases where a short prison sentence (less than 12 months) would have been imposed.

129. In Northern Ireland, in respect of the health-care provision in prisons, the Department of Health and the Department of Justice have developed a joint strategy. The Improving Health within Criminal Justice joint strategy and action plan is aimed at ensuring children, young people and adults in the criminal justice system are healthier, safer and less likely to be involved in offending behaviour.

130. In the 2015/2016 financial year there were, on average, 1,157 adult males and 35 adult females in custody in Northern Ireland. Statistics on the prison population in Northern Ireland are published regularly.[26]

Scotland

131. Scotland's prison population has continued to fall in recent years. The average daily population in 2015–16 stood at 7,675, roughly 6% lower than the equivalent figure in 2011–12 (8,178). The Prison population is published online and updated regularly.[27]

132. The SG is committed to reducing the use of short-term imprisonment through the greater use of robust community sentences and announced in its 2017–18 Programme for Government that it intends to take action to extend the presumption against short sentences to 12 months. In 2015–16, community sentences accounted for 19% of all penalties; whereas custodial sentences accounted for only 14% (fines were the single most common penalty in each of those years, accounting for over 50% of all penalties). The fall in the use of custodial sentences has been most pronounced among young people — the number of custodial sentences involving 16-20 years olds (or under 21s) fell by 61% between 2006–7 (3,270) and 2015–16 (1,262). The reduction in the number of under 21s receiving custodial sentences has been driven by the adoption of the Whole System Approach.

133. The SPS continues to invest in the modernisation of the prison estate and implement its transformational change agenda. The reintegration of people leaving custody remains a priority for the SPS: approximately 40 Throughcare Support Officers across the prison estate provide support to individuals to help them prepare for release, and work with them beyond release.

134. Healthcare services in prison are provided by NHS Scotland. NHS standards for health care provision, including primary care, apply to the provision of care within the prison setting. The SG recently established a Health and Justice Collaboration Improvement Board to improve outcomes for people and communities, support ambitions to reduce health inequalities and risk of offending.

135. Rule 95 of the Prisons and Young Offenders Institutions (Scotland) Rules 2011 enables a Governor to remove a person in their care from association with other persons where they are satisfied that it is appropriate to do so to protect their safety, or that of any other person, or where there is a risk to the good order or discipline of the prison or Young Offenders Institution. The Rule also provides important safeguards for persons removed from association, which ensure that the reason for removal is clearly communicated to the person, they are afforded the opportunity to make representations against their removal, and that they are monitored and reviewed regularly. Whilst removed from association there will normally be no unnecessary restrictions on their entitlements to visits, including legal visits, access to telephones and correspondence. The focus throughout will be to reintegrate the person at the earliest and safest opportunity into the mainstream population, thus minimising any time spent separate from others.

136. Each secure accommodation service for under 18 has its own written policy on the use of single separation/segregation for young offenders, which is an extreme measure to be taken only when other appropriate measures have been tried and have been unsuccessful. Segregation is never used as punishment and should only be used as a last resort to prevent

[26] https://www.justice-ni.gov.uk/articles/prison-population

[27] http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx

the young person from significantly injuring themselves; prevent the young person from significantly injuring others; prevent the young person from absconding from the building; prevent significant damage to property and calm a potentially disruptive group situation.

137. Normally single separation for under 18 should continue for no longer than three hours in any 24 hour period and for no more than two separate occasions in 24 hours. Every use of this practice is recorded and places strict limits on its implementation. During the period of segregation the young person will be monitored at least every 15 minutes.

Isle of Man

138. The Criminal Justice Strategy published in December 2012 aimed, amongst other matters, at reducing the numbers held in custody and instead using community sentences and the prison's population has reduced as a result from nearer to capacity at 138 to around 90 at present.

139. Health services are now provided to the prison under a service level agreement with the Department of Health to specified healthcare standards.

140. Since the last report the Custody (Amendment) Act 2016 has provided for the appointment of two legally qualified Independent Adjudicators to undertake adjudications in Prison disciplinary cases rather than the IMB.

141. The Custody Rules (Amendment) Rules 2003 have been amended by the Custody Rules 2015 and the Custody (Amendment) Rules 2016 to enhance the IMB's function as a body monitoring the welfare of detainees by removing the last vestiges of its former disciplinary adjudications function.

Anguilla

142. Her Majesty's Prison is still intact but it sustained some damage during the recent hurricane. The prison population as at the end of September 2017 was 47 in total (20 sentenced, and 27 on remand).

British Virgin Islands

143. There exists alternative to Custody programmes for juveniles and fine defaulters. In 2016, 14 juveniles diverted from custody through restorative justice and other diversionary programmes. In addition, a Parole Board has been established to improve access to early release.

Bermuda

144. The Criminal Code Amendment Act 2016 amended the Criminal Code Act 1907to provide for the establishment of the Mental Health Treatment Programme. This Programme provides an alternative to detention for criminal offenders suffering from mental disorder or mental impairment.

Falkland Islands

145. A prison extension was completed in October 2016, which introduced enhanced facilities for offender class separation, single cell occupancy, interview facilities and classroom facilities.

146. The Falkland Islands Mental Health Ordinance means that those with mental health conditions cannot be detained in prison.

147. Prison conditions are monitored by the Officer in Charge of the Prison, the Chief Medical Officer and the Independent Prison Monitoring Board. An FCO prison advisor also monitors the prison.

St Helena, Ascension and Tristan Da Chuna

148. HM Prison Jamestown current capacity is 24 with the number of inmates as of 17 March 2017 being 14 (12 convicted, 2 remand). Of the 14 current inmates, all are male and

adults. Work is under way to build a new prison. A Community Psychiatric Nurse works at the prison three days per week and is available on the other days. This nurse manages day to day triage services in relation to general health care as well as working with those inmates who may be suffering emotional or mental health issues.

Paragraph 24 — Minors and women in detention

149. The UKG has undertaken a significant amount of work to ensure that under-18s are treated as children when in contact with the police. In 2013, changes were made to the PACE Codes of practice to give 17 year olds the support of appropriate adults in the same way as 10–16 year olds. The Criminal Justice and Courts Act 2015 amended PACE 1984 to require transfer to local authority accommodation of 17 year olds when arrested and charged but not released, as with 10–16 year olds. The Policing and Crime Act 2017 made further changes to PACE so that 17 year olds are not treated as adults.

150. Children who are charged with an offence and denied bail must be transferred to Local Authority accommodation unless exceptional conditions are satisfied, and the UKG is leading work with police forces and local authorities to ensure that these transfers always happen. Full training on child welfare is provided for by the College of Policing.

151. Section 31 of the Children and Young Persons Act 1933 already includes a legislative requirement that arrangements must be made for ensuring that a girl under the age of 18, while detained in a police station, is under the care of a woman.

152. The Policing and Crime Act 2017 contains a number of significant amendments to the operation of sections 135 and 136 of the Mental Health Act 1983 which set out police powers in respect of those in mental health crisis. These amendments include a provision that prohibits the use of police cells as 'places of safety' for under 18 year olds and significantly restrict their use in the case of adults. Improved practice on the part of police and health services has already led to a reduction in the numbers of under 18 year old people being detained in custody under these provisions from 258 cases in 2011/12 to 35 cases in 2015/16.

153. At all youth secure establishments, children and young people are assessed using the Comprehensive Health Assessment Tool (CHAT). CHAT is an evidenced based tool designed specifically for children placed within the youth secure estate. On completion of the assessment, a CHAT Care Plan is formulated for all children setting out needs and provision of health services whilst in custody.

154. The UKG has designated all women's prisons as resettlement prisons, enabling women prisoners to be held close to home, whilst undertaking all the rehabilitative elements relevant to their offending. The UKG has also announced plans to build five 60-bed Community Prisons for Women, as the first step in modernising the women's prison estate to provide the best rehabilitative regimes, and hold women in environments that better meet their gender-specific needs to support their rehabilitation. The UKG has started rolling out training to ensure that prison and probation staff working with women are trauma informed (i.e. able to understand and respond to behaviours arising from a history of trauma).

155. The UKG has also published an updated Probation Instruction on pre-sentence reports to ensure that the full range of non-custodial options for individuals are put before the court; this includes the requirement for the completion of a self-assessment declaration which asks offenders whether they are a primary carer, or have been pregnant or given birth within the last 6 months. Some women's prisons provide places in "Mother and Baby Units" for women prisoners who are pregnant or who have children under the age of 18 months to allow them to continue to care for their child where that is considered to be in the best interests of the child; babies can spend time away from the prisons with nominated carers.

156. The UKG is currently developing a strategy for female offenders for publication late in 2017, which will set out plans to improve outcomes for women offenders. Multi-agency partnership approaches, which bring together and improve services at each stage of the criminal justice system are being implemented and £1million has been pledged by the UKG in support of this.

157. The Women's Offender Personality Disorder strategy is being implemented with an aim of introducing an integrated model of psycho-social services to improve offending behaviour and mental wellbeing. It delivers a pathway approach across prisons and community, increasing availability of and access to specialised personality disorder services and supporting staff to develop their knowledge, skills and confidence in working with women offenders with personality disorder.

Northern Ireland

158. The Hydebank Wood Secure College was opened in April 2015 which includes a six-bedroom unit for women nearing the end of their sentence.

Wales

159. The Women's Pathfinder was established in September 2015. The Pathfinder aims to 'design and deliver a women-specific, whole system, integrated approach to service provision for women who come into contact with the Criminal Justice System in Wales'. During October 2015 to June 2016, 635 females were diverted to the scheme.

160. Funding continues to be provided for diversionary activity for 10-17 year olds across Wales including Triage and Bureau. Triage is run in the Cardiff and Vale of Glamorgan area and is a city wide diversionary activity programme with a focus on restorative justice, offered at the point of first arrest of a minor offence. The Bureau project is an approach to out of court disposals and diversion through restorative practice. The aim of the project is to divert young people away from the youth justice system and assisting them to avoid a criminal record.

Scotland

161. Following a period of consultation in 2015, the SG announced the decision to build a new national prison for women on the current site of HMP & YOI Cornton Vale and up to five small community based custodial units across Scotland. The SG funded STORM training across Scotland's Secure Accommodation Services to provide a sustainable programme of self-harm and suicide prevention. STORM is an evidence based programme which helps to build the skills and confidence of staff to ask the difficult questions around self-harm, suicide and self-injury.

162. Young people aged 16-17 who are not subject to a compulsory supervision order can be sentenced or remanded by the court to a Young Offenders Institution. Those young people do not mix with the adult population.

163. The SG is championing the use of a Whole System Approach (WSA), which aims to achieve positive outcomes for young people by helping various statutory and non-statutory bodies to work together to build a more consistent approach to prevent and reduce offending by children and young people through early and effective intervention. This continues to see a marked reduction in the number of young people receiving custodial sentences.

Guernsey

164. In 2015, Guernsey Prison opened a dedicated unit with specially trained staff for accommodating children in custody.

Jersey

165. The Criminal Justice (Young Offenders) (Jersey) Law 2014 came into force last year. This introduced a placement panel, which determines the most appropriate place for young offenders to serve any period of youth detention.

Paragraph 25 — Minimum age of criminal responsibility

166. The UKG believes that children aged 10 are able to differentiate between bad behaviour and serious wrongdoing, and it is right that they should be held accountable for their actions. Children and young people need to be aware that committing a criminal

offence is a serious matter and will be dealt with as such. Having the age of criminal responsibility set at 10 allows flexibility to deal with young offenders and reflects the requirements of the justice system in England and Wales. It is accepted that prosecution is not always the most appropriate response to youth offending and the UKG is keen to avoid this whenever possible. That is why, where appropriate, children and young people in this age group are diverted from the criminal justice system or dealt with by way of an out-of-court disposal. This approach can be a more effective means of preventing reoffending.

Scotland

167. A Minimum Age of Criminal Responsibility Advisory Group was established to address the underlying issues of a change in the minimum age of criminal responsibility. The Advisory Group report recommended that the age be raised from 8 to 12, and that the move be accompanied by a number of safeguards. The SG announced on 1 December 2016 that it will be introducing a Bill in the current parliamentary session to increase the minimum age of criminal responsibility from 8 to 12, with appropriate safeguards in relation to issues such as police powers in exceptional cases to investigate harmful behaviours, or to take and retain forensic samplings, disclosure, and the impact on victims. This will align the age of criminal responsibility with the minimum age of prosecution in Scotland.

Northern Ireland

168. Any increase in the Minimum Age of Criminal Responsibility would require cross-party support, and there is currently an absence of sufficient political support to implement such an increase. However, the progressive youth justice system in NI, underpinned by restorative justice principles, has meant that very few children under the age of 12 enter the formal criminal justice system.

Paragraph 26 — Inter prisoner violence

169. The UKG is taking action to improve safety and reduce violence and published its plans for Prison Safety and Reform in a White Paper on 4 November 2016. The UKG has an ambitious agenda to modernise the prison estate, improve education, create more purposeful regimes and empower governors, to tackle issues, like drugs and violence, which are key to cutting reoffending and keeping staff and prisoners safe.

170. A two-year Violence Reduction Project was set up in January 2015 to address the increase in violence with a range of measures designed to understand trends, build staff skills and capability, deter prisoners from violent behaviour and improve the response to violent incidents to make prisons safer for all. New safety assurance audits have been developed, which will review the safety of around 100 establishments in 2017–18. Regional safer custody teams across the estate are being bolstered to provide additional support to prisons and to share innovation and good practice.

171. The UKG has invested to recruit an additional 2,500 staff across the estate by the end of 2018. The extra 2,500 frontline staff will enable the introduction of a new Offender Management Model, under which dedicated officers (key workers) will manage a caseload of about six prisoners. This will greatly enhance the time and resources available to support prisoners who are at risk. The key worker role will give vulnerable prisoners a consistent member of staff who knows them, who has time to talk to them in detail about their concerns, and who is responsible for arranging the support they need. This will enhance supervision and support and make prisons places of safety and reform.

172. The UKG has also rolled out a number of tools and interventions for prisons, including the use of body-worn video cameras in conjunction with training for staff which supports staff interaction with prisoners, additional CCTV and a new Violence Diagnostic Tool available in all prisons to help them better understand and address violence in their establishments. Please also see the response to Paragraph 23 above.

173. The Ministry of Justice's Incident Reporting System records the annual number of inter-prisoner assaults, including fights, in England and Wales. These figures are published quarterly on the UKG's portal.[75]

Scotland

174. The SPS takes responsibility for prisoner safety extremely seriously. It operates a Violence Reduction Strategy whereby each prison has its own plan, which encompasses guidance on cell sharing risk assessments and anti-bullying measures. The SPS provides staff with appropriate training in order to detect, deter, de-escalate and, if necessary, protect themselves, prisoners and others from violent acts. SPS staff are required to demonstrate competence in the use of restraints on an annual basis. By training staff to the highest standard, SPS seeks to ensure that actions taken are lawful, necessary, reasonable and proportionate to the situation presented.

175. SPS data on inter-prisoner assaults per financial year is as follows: 2012/2013 — 1809; 2013/2014 — 1904; 2014/2015 — 1833; and 2015/2016 — 2,050.

Paragraph 27 — Deaths in custody

176. During 2016 the Prisons & Probation Ombudsman (PPO), who investigates every death in custody, investigated 96 self-inflicted deaths in prison custody and made various recommendations including staff not correctly following various aspects of the Assessment, Care in Custody and Teamwork (ACCT) process; and more work being needed on the reduction of violence.

177. ACCT is a multi-disciplinary process by which prisoners who have been identified as at risk of harming themselves are managed and care plans formulated to manage that risk, support the prisoner, and reduce the likelihood of self-harm and suicide. ACCT was updated in 2012.

178. PPO investigations into deaths from natural causes have highlighted issues for both prisons and healthcare providers. Many recommendations relate to the prisoner's clinical treatment, including palliative care arrangements where necessary, and are directed to the healthcare provider.

179. Recommendations for prisons most frequently consider the use of restraints for prisoners who have health issues and who are taken to hospital for treatment or emergency. Much work has been done in establishments in response to these recommendations, focusing on ensuring that staff completing the required risk assessments to determine the level of restraints used, are aware of the need to obtain healthcare assessment of the prisoner's health when they need to be escorted away from the prison. Recommendations also frequently address the need for staff to follow the appropriate procedures during a medical emergency. Other recommendations for prisons have covered communication with families, before and after the death.

180. In addition, the UKG recently announced a significant investment in new prison safety measures and in prison staff (see details in response to Paragraph 26) with £12.9m allocated for innovations aimed at improving safety and reducing suicide and self-harm. This money was provided the 69 prisons with the aim to improve safety, not just suicide and self-harm. The investment of £100 million for recruitment of new staff, and the introduction of new offender management arrangements in prisons (under which each key worker will have responsibility for a small number of prisoners) will greatly enhance the time and resources available to support prisoners who are at risk.

181. Other measures are being developed as part of the UKG's suicide and self-harm reduction programme, which includes specific strands of work on the early days in custody; the case management of prisoners at risk; improvements to the built environment of prisons; and building hopefulness amongst prisoners, including through family and peer support.

[75] https://www.gov.uk/government/collections/safety-in-custody-statistics

182. New training is being rolled out across the estate to support prison staff to identify the risks and triggers of suicide and self-harm and understand what they can do to support prisoners at risk. The new training package consists of six modules including awareness training for staff on supporting prisoners with mental health issues.

183. The UKG has put in place specialist roles (regional safer custody leads) in every region to provide advice to prisons and to spread good practice on identifying and supporting prisoners at risk. The UKG is using experts, including providing extra funding for the Samaritans, to provide targeted support for prison staff and to prisoners directly.

184. The Ministry of Justice's Incident Reporting System records deaths in prison custody in England and Wales. These figures are published quarterly on the UKG's portal.[29]

185. Family members are entitled to make a claim following a death in custody and a number of families have received compensation following a death in custody.

186. National statistics for England and Wales on deaths during or following police contact are publicly available on the IPCC's website.[30]

187. The IPCC oversees the police complaint system and investigates deaths. Following each investigation, the IPCC makes recommendations either to forces or nationally; shares learning via the Learning the Lesson bulletins; feeds into HMICFRS/HMIP joint inspections of police custody and other inspections undertaken by HMICFRS; and feeds into Authorised Professional Practice (APP) and training being developed by the College of Policing.

188. The UKG works closely with police forces, the Independent Police Complaints Commission (IPCC), the Ministerial Council on Deaths in Custody and other partners to take action to minimise risks to detainees and prevent deaths from occurring in custody.

189. In 2015, the UKG asked Dame Elish Angiolini to conduct a comprehensive independent review of deaths and serious incidents in or following police custody, looking at existing procedures and processes, including the lead up to such incidents, the immediate aftermath, through to the conclusion of official investigations. In October 2017, the review was published and the UKG simultaneously published a response,[31] setting out a programme of work to address the report's findings and recommendations.

190. The IPCC, to which all deaths must be referred, is currently implementing a programme of work to improve the way they investigate deaths in custody — which includes creating a more diverse workforce, better training for family liaison officers and giving families a greater say in setting the terms of investigations.

191. HMICFRS (jointly with HMIP) also has a role to reduce the risk of death in custody through their rolling programme of custody inspections. These assess the treatment and conditions of detainees in police custody.

Scotland

192. The SPS records all deaths in custody in calendar years and publishes information for the preceding ten years.[32]

193. The SPS is committed to the preservation of life and to ensuring that lessons are learned from previous deaths in custody through its Self-Inflicted Death in Custody Audit, Analysis and Review Policy. Following the commencement earlier this year of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, all deaths in prison are subject to a mandatory Fatal Accident Inquiry (FAI) as was the case under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.

[29] https://www.gov.uk/government/collections/safety-in-custody-statistics. A few deaths are still under investigation from this period, the data might be amended at a later date.

[30] www.ipcc.gov.uk/page/deaths-during-or-following-police-contact.
www.ipcc.gov.uk/sites/default/files/Documents/research_stats/Time_series_tables_2015-16.ods.

[31] https://www.gov.uk/government/publications/deaths-and-serious-incidents-in-police-custody-government-response.

[32] http://www.sps.gov.uk/Corporate/Information/PrisonerDeaths.aspx.

194. On 29 November 2016, the SPS launched its new Suicide Prevention Strategy, "Talk to Me", which replaces "ACT2Care". The new strategy is intended to enable the whole prison community to work together to identify vulnerable individuals, share information and encourage those "at risk" to accept help and support. All suicides in Scotland are reported to the Scottish Fatalities Investigation Unit (SFIU), a specialist unit within the Crown Office and Procurator Fiscal Service. The SFIU reports to the Lord Advocate, who is responsible for the investigation of deaths in Scotland, and will consider whether there has been a systematic failure in care which contributed to the person taking their life, and will ordinarily request and consider the relevant NHS Board's review reports into a significant adverse event.

195. According to its Annual Report 2015–16, the Police Investigations and Review Commissioner investigated two deaths in police custody and 12 into deaths following police contact. As with all other deaths of which they are informed, the police are required to investigate the death and report the circumstances to the relevant Procurator Fiscal. All deaths in police custody are subject to an inquiry.

Paragraph 28 — Detention of asylum seekers

196. The UK has a long and proud tradition of providing safe haven to those who genuinely need protection. But if an asylum system is to provide help to those who genuinely need it, it must be capable of managing a high volume of claims and be able to deal robustly with unfounded or abusive claims. It is also important to have a system in place that discourages both those who do not need protection from seeking to enter the UK illegally and those who fail to comply with the immigration system once they are in the UK.

197. The Home Office detention policy is clear that detention should only be used sparingly and that alternatives to detention (temporary admission or temporary release into the community) should be considered before any decision to detain is made.

198. The UKG uses detention only in the following limited circumstances: initially whilst a person's identity or basis of claim is being established; where there is reason to believe that a person will fail to comply with the conditions attached to the grant of temporary admission or release; or to effect removal.

199. When people are detained, it is for the minimum time possible, and the dignity and welfare of those detained is of the utmost importance. Once detained, an individual's continued detention remains under regular review by the UKG (Home Office) to ensure that it remains lawful and in line with UKG's policy. Where this no longer applies they are released. Individuals may also apply for release from detention on immigration bail and challenge the lawfulness of their detention in the courts.

200. The "adults at risk" policy, which came into effect on 12 September 2016, has introduced a case-by-case evidence-based assessment of the appropriateness of the detention of any individual who is considered to be vulnerable, balanced against the immigration control considerations that apply in their case. Having been the victim of torture is one of the indicators of risk set out in the policy.

201. In October 2016, the UKG launched a consultation on proposals to introduce a new expedited appeals process for all detained appellants with an in country right of appeal. The consultation closed in November 2016 and in April 2017 the UKG published its proposals. The proposals take into account the court judgments and include increased safeguards including a case management stage for each detained appellant, and new powers for judges to decide whether cases should be expedited. The proposals would cut the length of time in detention for foreign nationals by speeding up the appeals process and set the time between the Home Office's decision and determination of the appeal by the First-tier Tribunal to between 25 and 28 working days. The proposals are now being considered by the independent Tribunal Procedure Committee, which will consider whether to make new fast track rules.

202. In the meantime, the Home Office considers the asylum claims of some individuals in detention, according to published guidance set out in the "detained interim instruction" (DII). The majority of those whose asylum cases are decided in detention claim asylum

only after entering detention or being served with removal directions. There is no expedited appeals process for those detained; the Principal Procedure Rules for appeals are being used for those who appeal following a negative decision.

Paragraph 29 — Mid Staffordshire National Health Service Foundation Trust Public Inquiry reports

203. In 2010, at the Government's request, Sir Robert Francis QC began his inquiry into failings at the Mid Staffordshire NHS Foundation Trust the report was published in 2013. The UKG's initial response 'Patients First and Foremost' was published shortly afterwards and followed with a more detailed response 'Hard Truths: The Journey to Putting Patients First'. In February 2015, the UKG published 'Culture Change in the NHS', a consolidated account of the progress to date in implementing all of the recommendations that it had committed to. Almost all of these actions fell into a few broad categories, for example:

- Improved professional regulation and oversight;
- The introduction of a professional duty of candour, as well as support for those who need to speak up about what they have seen and experienced as patients, relatives, carers, clinicians, managers;
- To include a more integrated and collaborative approach to quality regulation, both nationally and locally and across professional and institutional boundaries;
- Improved co-operation with regulators across and outside the health and care sector;
- And the urgent need for a different culture in the NHS, one where there is a greater emphasis on putting the patient at the heart of services, where professionals focus on learning from experience, and where accountability and transparency are a valued.

204. An account of progress in this area can be found at paragraphs 186-187 of the Department of Health's annual report.[33]

Paragraph 30 — Persons deprived of their liberty in mental health settings

205. In 2014 the Supreme Court, in the case of *P v. Cheshire West and Chester Council*,[34] considered the criteria for judging whether the living arrangements made for a mentally incapacitated person amounted to a deprivation of liberty. The Supreme Court held that a person is deprived of their liberty if they are both (i) under continuous supervision and control; and (ii) are not free to leave. The effect of this decision is that many people who were previously considered to have restrictions on their liberty are now considered to be deprived of their liberty.

206. This caused a rise in the number of applications from the managing Local Authorities for DoLS in accordance with the Mental Capacity Act 2005. In 2011/2012 there were 11,380 applications completed and 6,340 DoLS granted. In 2012/13 there were 11,885 applications completed and 6,545 DoLS granted. In 2013/2014 there were 13,040 applications completed and 7,630 DoLS granted. In 2014/2015, following the Supreme Court's judgment there were 62,645 applications completed and 52,125 DoLS granted. In 2015/2016 there were 105,055 applications completed and 76,530 DoLS granted. This data is provided by NHS digital[35] and details all DoLS applications and those which have been completed and granted each year since 2012. This includes all applications made in all care settings where a DoLS application is appropriate, and will include people in psychiatric hospitals, institutions for those with psychosocial disabilities and care homes as well as other settings.

207. Linked to this, there has also been an increase in applications to the Court of Protection made to authorise deprivations of liberty in the community in other settings in

[33] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/629984/DH_annual_accounts_2016_2017_web_version.pdf

[34] [2014] UKSC 19

[35] http://content.digital.nhs.uk/media/23699/Count-of-completed-and-granted-DoLS-applications/xls/DH_data_request_280217.xlsx

recent years. From January to March 2017 there were 969 applications relating to deprivation of liberty, up 43% on the number made in January to March 2016. Similarly, orders made for deprivation of liberty almost doubled over the same period, from 292 to 547 respectively.[36]

208. The UKG is committed to improving care and treatment in the community. The Transforming Care programme sets out a clear vision for ensuring people with learning disabilities receive the right level of high quality care in their local communities to support them in living as independently as possible.

209. The priorities for the programme remain to move people out of long-stay placements in hospital, where appropriate, into community settings close to their family and friends. The aims are to: reduce significantly the number of people placed in hospital, reduce the amount of time people spend in hospital if they are referred and improve the quality of care in hospital and community settings. To do this the UKG is working to empower individuals by giving people with learning disabilities and/or autism and their families more say in their care, tighten regulation and inspection, develop skills and capability, and make sure that the right information is available so progress can be tracked and reported.

210. To develop community capacity, clinical commissioning groups, local authorities and NHS England's specialised commissioners have formed 48 transforming care partnerships to plan for the future.

211. In addition to Transforming Care, the UKG is committed through the Five Year Forward View for Mental Health to transform services including implementing a comprehensive set of community-based mental health pathways and standards of care for mental health as safe alternatives to hospital. The UKG has launched 50 mental health vanguard sites which are developing and testing new and innovative community-based models of mental health including in primary care and community settings and integrating health and social care service provision to support the timely discharge from hospital so people can live independently in the community. This includes developing effective forensic community care models and the provision of supported housing for people with mental health problems.

Scotland

212. The Mental Welfare Commission for Scotland publishes statistics on the number of people detained under mental health legislation and monitors and reports on the use of incapacity legislation.[37] The Scottish Government has implemented the bulk of the provisions of the Mental Health (Scotland) Act 2015 and will promote independent advocacy and advance statements, alongside a rights-based approach in the statutory guidance on the use of mental health legislation. The SG has a Ministerial post dedicated to mental health and has set aside £150 million to invest in improving mental health. A new strategy for mental health, which was published in March 2017, sets out a vision for the next 10 years and how to transform services. NHS/SPS multi-disciplinary Mental Health Teams provide mental health care within prisons equivalent to the care provided for people in the community but designed to meet the recognised increased mental health needs of prisoners.

Guernsey

213. The Mental Health (Bailiwick of Guernsey) Law 2010 came into force on 8 April 2013. It updated the statutory regime in relation to the detention, care and treatment of mentally disordered patients. Furthermore, it established new frameworks regarding the treatment of patients to ensure that consent is required from those who have capacity to do so and set out appropriate safeguards for patients who do not have capacity to consent. It established an independent Mental Health Review Tribunal to hear applications by patients against orders made under the Law. Patients will be entitled, in most cases, to take

[36] https://www.gov.uk/government/collections/family-court-statistics-quarterly

[37] http://www.mwcscot.org.uk/publications/statistical-monitoring-reports/

independent legal advice free of charge when applying to the Mental Health Review Tribunal for discharge from an order for detention or a community treatment order.

Jersey

214. Two significant new pieces of legislation received Royal Accent at the end of 2016, the Mental Health (Jersey) Law 2016 and the Capacity and Self-Determination (Jersey) Law 2016. These new laws will come into force in 2018. Both laws have significant legal safeguards for people who are deprived of their liberty, either due to mental disorder or lack of capacity to choose for themselves.

St Helena, Ascension and Tristan Da Cunha

215. A new Mental Health and Mental Capacity Ordinance came into force in 2015 in St Helena. It provides for powers of detention. Currently there are no persons detained pursuant to the Ordinance.

Paragraph 31 — Use of restraint against people in health care settings

216. The UKG published guidance in April 2014 "Positive and Proactive Care: reducing the need for restrictive interventions" and led a programme of work to reduce the need for restrictive practice.

217. Positive and Proactive Care focuses on the use of preventive approaches and de-escalation for managing challenging behaviour. It recommends that all restrictive interventions should be for the shortest time possible and use the least restrictive means to meet the immediate need. Furthermore, it sets out mechanisms to ensure accountability for making these improvements, including effective governance, transparency and monitoring.

218. Positive and Proactive Care introduced a requirement that services develop Restrictive Intervention Reduction Plans. The guidance applies to all health and social care staff working in all adult health and social care services, regardless of setting. This includes health and adult social care staff working in non-health settings such as police cells, IRCs and prisons.

219. The UKG has also introduced Positive & Safe Champions Network to promote good practice in the reduction of restrictive interventions; the inclusion of information about the number and type of restraints in the Mental Health Services Dataset and the development of core standards for the training of staff in techniques of prevention and management of violence and aggression.

British Virgin Islands

220. In 2015 the British Virgin Islands introduced the UK standard for restraints.

Paragraph 32 — Complaints of torture in the reporting period

221. The UKG takes allegations of torture and cruel, inhuman or degrading treatment very seriously and any allegations are investigated fully. The UKG does not participate in, solicit, encourage or condone the use of torture for any purpose.

222. In 2013, the High Court confirmed that the Iraq Historic Allegations Team (IHAT), set up to support the military police-led investigations, met the Article 2 ECHR requirement of independence. Statistics on IHAT's caseload were regularly published on the UKG's portal GOV.UK.[38] Many of the claims against the UK Armed Forces had been brought by clients represented by the law firm "Public Interest Lawyers" and its lead lawyer Phil Shiner. However, in February 2017 the Solicitors Disciplinary Tribunal found Phil Shiner to be guilty of professional misconduct including dishonesty and lack of integrity and he was struck off as a solicitor. The law firm Public Interest Lawyers also closed. Many of the allegations against the UK Armed Forces were therefore discredited and the IHAT and the Service Prosecuting Authority determined that the number of investigations in which there

[38] https://www.gov.uk/government/publications/ihat-work-completed

would be any prospect of conviction diminished substantially compared with previous expectations. Consequently, the IHAT ceased on 30 June 2017, with the remaining investigations being reabsorbed by the Service Police. It is anticipated that all investigations will have been completed by the end of 2018.

223. Separately, a retired High Court judge was appointed to undertake Iraq Fatalities Investigations. This process satisfies the Article 2 ECHR requirements that investigations be publicly accountable, involve the families of the alleged victims, and consider the wider circumstances of the deaths. He has published reports on six deaths; a seventh fatality investigation was commissioned in May 2017. The UK Ministry of Defence will continue to refer cases to him, as necessary.

224. A robust process is in place for identifying, reviewing, and correcting areas where doctrine, policy and training have been insufficient to prevent practices or individual conduct that could breach the UK obligations under international humanitarian law, and the UKG continues to publish annual reports detailing this work.

225. The safety and welfare of young people in UK custody remains an absolute priority of the UKG. Following allegations of abusive behaviour by staff at Medway Secure Training Centre from the BBC, the UKG implemented a comprehensive plan to provide assurances on the immediate safety of the young people at the centre. This has included taking over responsibility for running the Centre, the appointment of new specialist, highly-trained staff, improving support for vulnerable children, greater oversight of senior staff, and a review of policies.

Paragraph 33 — Allegations of ill treatment by people detained under anti-terror operations

226. There continue to be effective mechanisms under which the Security and Intelligence Agencies (SIA) can be held to account in the UK, these include the Investigatory Powers Tribunal (IPT) and the Intelligence and Security Committee of Parliament (ISC). The IPT is an independent court which decides claims and complaints made about unlawful intrusion by public bodies, including the SIA; the IPT can order that activity is stopped, it can quash authorisations, order material to be destroyed and award compensation. The ISC comprises members of each House of Parliament; it oversees the expenditure, policies, and administration of the SIA. The UKG works constructively with the ISC to ensure that as much of its reports that can be published, is published.

227. In relation to the treatment of detainees overseas, the work of the ISC is ongoing. The Committee has received written responses from the UKG to the issues identified in the Detainee Inquiry Report, which was published in December 2013,[39] and has been given access to all relevant information. The Committee has also called for written evidence from anyone who wishes to contribute to their inquiry. In addition to the ISC examination, the UKG has also continued to cooperate fully with UK police investigations into detainee-related matters.

228. Mr. Aamer, a British resident detained at the US detention facility in Guantanamo Bay since 2002, was released on 30 October 2015. It was alleged that he was tortured in the presence of UK officials in Afghanistan in 2001. The UKG stands firmly against torture and cruel, inhuman and degrading treatment or punishment. It does not participate in, solicit, encourage or condone the use of torture or cruel, inhuman or degrading treatment or punishment for any purpose. Neither does the UK make use of any so-called enhanced interrogation techniques. The UKG has consistently made clear its absolute opposition to such behaviour and its determination to combat it wherever and whenever it occurs. The ISC is investigating the issues raised by Sir Peter Gibson in his report of December 2013 into the UK's alleged involvement in the mistreatment and rendition of terrorism suspects. The UKG is cooperating with the ISC and awaits their report on the outcome of the inquiry.

229. With regard to the allegations about UK Special Forces personnel at Camp Nama in Iraq, it is the long-standing policy of the UKG neither to confirm nor to deny the

[39] https://www.gov.uk/government/publications/report-of-the-detainee-inquiry

involvement of UK Special Forces in particular operations. However, no distinction between regular and special forces is made for the purposes of Service Police investigations, in other words the criminal law of England and Wales also applies to UK Special Forces wherever they may operate (see the response above to Paragraph 4).

Paragraph 34 — Al-Sweady Inquiry

230. The final report of the Al-Sweady Inquiry was published on 17 December 2014.[40] The Chairman concluded that all of those killed or captured on 14 May 2004 were actively involved in ambushes on British Forces, that no-one was killed or tortured while in British custody, and that the principal allegations were the result of deliberate and calculated lies. The Chairman concluded that some relatively minor instances of ill-treatment did occur. Nevertheless, having considered evidence provided by the UKG of changes to policy, training and oversight since 2004, he was satisfied that these were much less likely to occur today. Information on the UK Ministry of Defence's processes for remedying shortcomings in doctrine, policy and training identified in the inquiry's report is provided under the response to Paragraph 32 above.

Paragraph 35 — Transitional justice in Northern Ireland

231. The Stormont House Agreement of December 2014 provided, amongst other measures, for the establishment of an independent Historical Investigations Unit to take forward investigations into outstanding troubles-related deaths. This would include taking on those deaths currently within the caseload of the PSNI and the Police Ombudsman. The UKG has indicated £150m of additional funding will be available for the new institutions to help deal with the past in a balanced and proportionate way.

232. The PSNI, through its Legacy Investigation Branch (LIB), will retain responsibility for investigations into Troubles-related crimes that did not result in a death. This role falls under its general duty to take measures to bring an offender to justice when an offence has been committed.

233. Political discussions, between the Secretary of State and the Northern Ireland political parties, on legacy issues have continued on the detail of the draft Bill that would establish the Historical Investigations Unit and the funding of the Lord Chief Justice's proposals to reform legacy inquests.

234. In March 2016, the NIE was asked by the Department of Justice (DoJ) to consider a proposed bid for funding for an initial phase of work which would aim to complete up to 16 legacy cases within a period of 19 months. Since then the DoJ has provided a revised funding bid for legacy inquests as part of the overall funding package for dealing with the past to the parties to inform the ongoing political talks in Northern Ireland. Once agreed, this will be considered by the UKG.

235. The budget of the Office of the Police Ombudsman Northern Ireland (OPONI) covering legacy issues increased from £950k in 2010–11 to £1.943k in 2016–17; in the same period the number of staff working on historic investigations increased from 18 to 34. In the past two years, in which the DoJ's starting budget was reduced by 5.7% and 4%, OPONI's budget was protected, with its reductions limited to 2% and 0.95% respectively. In addition, the Department made available additional funding of £526k in 2017–18 to fully fund a bid from OPONI to cover investigations into Troubles-related serious crime. In addition, there has been a 30% reduction in complaints on current policing; this should allow the Ombudsman some increased flexibility in allocating resources to legacy cases.

236. The legal action by the Police Ombudsman regarding access to PSNI information arose from data protection concerns by the then Chief Constable. The matter was quickly resolved out of court, with the Police Ombudsman being assured that all necessary information would be available to his investigators.

237. In relation to the death of Patrick Finucane in February 1989, the UKG considered very carefully whether to hold a public inquiry. The priority was to establish a full public

[40] https://www.gov.uk/government/publications/al-sweady-inquiry-report

account of what happened as quickly, effectively and transparently as possible and, weighing the balance of public interest, the government ultimately decided that the Sir Desmond de Silva's review was the best way to achieve that. As confirmed by Sir Desmond de Silva, he was given access to all the information he sought including highly sensitive intelligence files. The UKG accepted his findings, including that there was collusion in this case, and apologised for that. The decision not to hold a public inquiry was the subject of a judicial review and on 26 June 2015 the Northern Ireland High Court upheld this decision. More recently on 21 February 2017 the Court of Appeal in Northern Ireland reaffirmed this decision. In July 2017 the Supreme Court granted the Finucane family leave to appeal. The PSNI have reviewed the "new and significant" information identified by Sir Desmond de Silva as being material that was before him, but which had not been previously investigated and their report of that review has been submitted to the Public Prosecution Service Northern Ireland.

238. The Irish Government wrote to the ECtHR in December 2014, following an RTE programme featuring documents found at the National Archives relating to the case of *The Republic of Ireland v. The United Kingdom*, requesting that, under rule 80, the Court revisit its 1978 decision that the so called "hooded men" were not subjected to torture, but rather inhuman and degrading treatment. The ECtHR asked the UKG for observations on a number of questions relating to the reopening of this decision under rule 80 of the Rules of the European Court of Human Rights. The UKG and the Irish Government have made submissions to the ECtHR and these are now under consideration by the Court.

Paragraph 36 — Historical Abuse Inquiry in Northern Ireland

239. The Historical Institutional Abuse Inquiry in Northern Ireland published its final report on 20 January 2017.[41] Sir Anthony Hart, Chair of the Historical Institutional Abuse Inquiry, made it clear that the report's findings and recommendations are for the new NIE to consider at the earliest opportunity.

240. The NIE agreed in October 2016 to establish an independently chaired inter-departmental working group to look further into both Mother and Baby Homes Magdalene Asylums (Laundries) and clerical child abuse. The Inter-Departmental Group held its first meeting in March 2017 and amendments were offered to the Terms of Reference (not yet ratified).

Paragraph 37 — Child sexual abuse in detention

241. Two police investigations by Durham Constabulary (called Halter One and Halter Two) have taken place into the abuse perpetrated by Neville Husband — a former officer at Medomsley Detention Centre — resulting in his conviction and imprisonment in the early 2000s.

242. In August 2013, Durham Constabulary commenced Operation Seabrook. This criminal investigation encompasses all non-recent physical and sexual abuse allegedly committed by former Medomsley Detention Centre staff. This investigation is ongoing.

Paragraph 38 — Redress for victims of torture

243. The UKG does not operate any programme of compensation for individuals who have been tortured or ill-treated by other sovereign nations. If an individual alleges that the UKG is liable in relation to their alleged torture or mistreatment overseas, it is open to them to bring a civil damages claim against the UKG. There have been no instances where the UKG has admitted responsibility or been found by a court to be responsible for the torture or ill-treatment of any individual. Although some of these claims have been settled (in a number of cases subject to confidentiality provisions) any financial settlement in these cases cannot be described as compensation, the allegations having been neither admitted nor established. Victims of a crime of violence can apply for an award for compensation under the Criminal Injuries Compensation Scheme but there are conditions for receiving an award.

[41] https://www.hiainquiry.org/historical-institutional-abuse-inquiry-report-chapters

244. In England, the Improving Access to Psychological Therapies (IAPT) provide evidence based treatments for people with anxiety and depression.

Paragraph 39 — Inadmissibility of evidence obtained through torture

245. Evidence obtained by torture is inadmissible in legal proceedings before the UK courts. It is a clear and publicly stated policy of the UKG not to seek to adduce material obtained by torture in legal proceedings. The inadmissibility of evidence obtained by torture was confirmed by the House of Lords' judgment in the case of *A v. Secretary of State for the Home Department* (No.2) [2005] UKHL 71, which is fully binding on the UKG and the courts.

Scotland

246. The basic rule in Scots law is that a confession is not admissible in evidence against an accused in criminal proceedings unless the confession has been given freely and voluntarily and was not extracted by unfair or improper means. Accordingly, a confession made as a result of threats, inducement or undue influence would not be admissible in evidence against an accused person. Nor would a confession which is "tainted with an element of bullying or pressure designed to break the will of a suspect or force from him a confession against his will". [Lord Advocate's Reference (No. 1 of 1983) 1984 SLT 337, 340] Reliance by the prosecutor on evidence obtained by torture would, in any event, be incompatible with the ECHR and accordingly unlawful in Scotland. If the accused puts in issue the question of whether a confession is admissible, the onus is on the prosecutor to establish that the confession was made freely and voluntarily and was not extracted by unfair or improper means. [Thompson v. Crowe 2000 JC 173].

Paragraph 40 — Restraint of children in young offender institutions

247. Restraint should only be used where it is absolutely necessary to do so and where no other form of intervention is possible or appropriate. The UKG is committed to improving restraint practice and has introduced the 'Minimising and Managing Physical Restraint' system in all three Secure Training Centres and the five under-18 Young Offender Institutions.

Paragraph 41 — Corporal punishment

248. The UK does not condone any violence towards children and has clear laws to deal with it. Corporal punishment is already explicitly prohibited in all schools, children's homes and registered early years settings.

249. While parents' use of physical punishment is not explicitly forbidden in law, the 'reasonable chastisement' defence in s.58 Children Act 2004 cannot be used when someone is charged with assault causing actual or grievous bodily harm, or with child cruelty.

Scotland

250. It is illegal to punish children by shaking, hitting on the head or using an implement. In other cases, the legislation lays down criteria for the courts to consider. The SG has announced it intends to support a proposed member's Bill in the Scottish Parliament which would ban the physical punishment of children.

Guernsey

251. Part 2 of the Children (Guernsey and Alderney) Law, 2008 and Part 2 of the Children (Sark) Law, 2016 provides for the definition of parental responsibility in relation to a child which includes "*to safeguard and promote the child's health, education, development and welfare*". Corporal punishment is lawful in the home as a "reasonable chastisement" defence exists to a charge of assault; however, it is highly unlikely that the courts would accept this defence where the injury caused is more than minimal.

Anguilla

252. The Anguilla Education Act 2014 prohibits corporal punishment in education and care settings.

British Virgin Islands

253. The Education (Amendment) Act 2014 abolished corporal punishment in schools.

Cayman Islands

254. The Education Bill (2016) will prohibit corporal punishment in schools, early years care, vocational settings and provision for people with special education needs or disabilities.

Montserrat

255. In 2014 Social Services conducted training with educators, teachers and coaches from all the schools on child abuse, but also included punishment and chastisement. The Child Care and Adoption Act was passed in 2016 where the definition of physical abuse was outlined.

Paragraph 42 — Inquires into child sexual exploitation

256. The UKG has prioritised child sexual abuse as a national threat in the Strategic Policing Requirement to empower police forces to maximise specialist skills and expertise. It launched the 'Tackling Child Sexual Exploitation' report in March 2015, which set out an ambitious programme of reform to protect children from sexual abuse and exploitation, and to crack down on offenders. The UKG has now delivered over 90% of the commitments it made in 2015. In February 2017, the UKG published a progress report and announced a £40m package of measures to protect children and young people from sexual abuse, exploitation and trafficking, and to crack down on offenders.

257. The UKG is bringing more offenders to justice: 14% more prosecutions and 19.2% more convictions for child sexual abuse-related offences (in the year to December 2015, compared with the previous year). Advances in technology are helping us identify and safeguard more child abuse victims. In 2015-16 UK law enforcement identified over 450 victims from abuse images — more than double the number of any previous year.

258. The UKG set up an Independent Inquiry into Child Sexual Abuse to examine the extent to which state and non-state institutions have failed in their duty to protect children from sexual abuse and exploitation, and to publish a report with recommendations. The Inquiry is due to publish an interim report in 2018.

Paragraph 43 — Hate crimes

259. The UKG has a strong legislative framework in place to tackle hate crime. These include criminal offences of inciting hatred on the grounds of race, religion and sexual orientation, specific racially (includes nationality) and religiously aggravated offences and statutory aggravated sentencing factors for crimes that are motivated by race, religion, sexual orientation, disability or transgender status of victim.

260. In June 2016, the UKG published 'Action Against Hate' its 4 year cross Government plan to tackle all 5 monitored strands of hate crime including: race (nationality), religion, gender identity, sexual orientation, and disability.

261. Members of the UK Parliament have also established two All Party Parliamentary Groups, one focusing on antisemitism and one to combat Islamophobia by investigating the forms, manifestations and extent of prejudice, discrimination and hatred against Muslims in the UK, as well as reviewing legislation and policy, the recording and prosecution of hate crimes, the role of the media, and the use of social media platforms to spread hatred.

262. The UKG has put in place a number of measures to address the under reporting of disability and transphobic motivated crimes. These have included the piloting of two community demonstration projects to support young transgender people to challenge

negative hate crime narratives online and encourage reporting where they see transphobic abuse and the development of an online LGBT hate crime reporting portal managed by an LGBTQ organisation. The CPS hate crime schools pack also provide a free resource for schools that encourage LGBT people to report hate crimes against them and for perpetrators to understand the potential consequences of this behaviour on their victims as well as themselves.

263. The UKG have supported a number of campaigns including #imwithsam to increase the reporting of disability hate crimes and in particular crimes against people with learning difficulties and autism. Further work has included awareness and attitude change programmes in schools, public workshops, more accessible police stations, the True Vision website and training for prosecutors and police on how to improve the identification, investigation and prosecution of hate crimes.

Scotland

264. The SG is committed to doing all it can to prevent and eradicate hate crime and prejudice, and build community cohesion. Since 2012, the SG has invested over £100 million to promote equality and tackle discrimination, and is continuing to work closely with partner organisations to advance the vision of 'One Scotland'.

265. The SG has accepted the recommendations of the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion (23 September 2016)[42] and, on 26 January 2017, announced an independent review of hate crime legislation chaired by Lord Bracadale.[43] Lord Bracadale is considering whether changes need to be made to the current laws; whether existing offences should be extended to cover other groups; and whether all hate crimes should be brought into one area of legislation. The review will include public consultation with key stakeholders and is expected to report to Ministers in early 2018.

266. In June 2017, the SG published an ambitious plan of action to tackle hate crime and prejudice, and build community cohesion. The SG is working to improve the capture of data to better understand the scale and severity of hate crime, and will run an awareness raising campaign on the impacts of hate crime in 2017. There is a recognition that disability and transgender hate crimes remain under reported within the overall context of under reporting, and the SG will continue to work with stakeholders and communities to increase awareness and the system response to hate crime.

Wales

267. In 2014 the WG published its 'Tackling Hate Crimes and Incidents: A Framework for Action' which includes objectives on prevention, support and improving the multi-agency response. A Delivery Plan has been developed and is being embedded across a number of key WG policy areas. Progress and actions are updated annually.

Jersey

268. The States of Jersey Police enacted a Hate Crime policy on 1st April 2015, which places an increased emphasis on all crimes reported to the organisation that have any element perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's (actual or perceived) race, religion, sexual orientation, disability, or against a person who is (or perceived to be) transgender.

Paragraph 44 — Abortion law in Northern Ireland

269. Criminal law is a matter devolved to the NI Assembly. The law on abortion is different to the other jurisdictions in the UK. Work has been undertaken by an Inter-Departmental Working Group in Northern Ireland to consider the handling of cases involving fatal foetal abnormality. That work extended to consideration of legislative reform. Proposals were developed by the group and were submitted to the Ministers of

[42] http://www.gov.scot/Publications/2016/09/3565

[43] https://beta.gov.scot/news/review-of-hate-crime-legislation/

Health and Justice in Northern Ireland prior to the dissolution of the Northern Ireland Assembly in early 2017. The proposals will be resubmitted to Ministers and the NIE, subject to a return to devolved government in Northern Ireland.

270. The UKG announced on 29 June 2017 that payment for abortion services in England for women usually resident in Northern Ireland will now be met by the UKG.

Paragraph 45 — Recruitment of children in paramilitary groups in Northern Ireland

271. The NIE agreed an action plan for tackling paramilitary activity, criminality and organised crime in July 2016, which includes a commitment to develop a cross-departmental programme to prevent vulnerable young people being drawn into paramilitary activity. This will be led by the Early Intervention Transformation Programme (EITP) and the EITP Board is working with statutory and voluntary agencies to develop this, as part of the wider programme to tackle paramiltiarism. In addition, there are commitments to: develop initiatives to ensure that those schools and youth groups dealing with the effects of paramilitary activity on young people are appropriately trained to identify risk factors and to adopt a whole school/group approach to help deal with those challenges; and also to deliver Youth Intervention Programmes specifically targeted at vulnerable young people, including those most at risk of becoming involved in, or affected by paramilitary activity, so that they can make a positive contribution to their communities.

272. The PSNI has advised that it has recorded 20 casualties among those under 18 as a result of paramilitary style attacks between January 2012 and December 2016. Since April 2016, there have been 5 paramilitary style attack incidents involving those under 18 and one arrest — the case is currently going through the courts system.

Paragraph 46 — Migrant domestic workers

273. In March 2015, the UKG commissioned James Ewins QC to conduct a review to assess how far existing arrangements for the Overseas Domestic Worker UK Visa were effective in protecting workers from abuse and exploitation. The review was published on 17 December 2015. While his review argued for removal of the visa tie, it acknowledged the absence of robust quantitative data as to whether the rate of abuse has increased or decreased since the imposition of a visa tie in 2012.

274. Responding to the review by James Ewins QC, the UKG acknowledged the lack of direct evidence but reiterated the UKG's position that abuse will not be tolerated. Since April 2016 the UKG has:

- Removed the condition which tied a worker to a specific employer by allowing them to switch to a different employer within the 6 month validity of their visa. This provision was also extended to domestic workers employed in diplomatic households;
- Increased the period of leave which can be granted to an Overseas Domestic Worker found to be a victim of slavery or trafficking from 6 months to two years. This is in addition to existing provisions for Discretionary Leave which are available to all victims of human trafficking or modern slavery.

275. The UKG has also agreed to implement the review's second recommendation to introduce a programme of mandatory information and advice meetings for domestic workers who remain in the UK for more than 42 days. These meetings will be hosted by an organisation independent of the Home Office and provide an opportunity to offer information regarding rights in the UK and respond to indicators of abuse.

276. It has also committed to introducing an employer register which will require anyone wishing to sponsor a domestic worker to, as a condition of that registration, agree to honour their obligations under UK employment and Modern Slavery legislation with consequences for any failure to do so.

277. The introduction of the above measures, as well as the use of entry and exit data and the ongoing development of intelligence gathering, will assist in improving the UK's government's picture of the nature and extent of exploitation of this group of workers, the effectives of existing measures and scope for further review of the visa category.

Paragraph 47 — Individual petition to the UN

278. The UKG has considered its position on accepting the right of individual petition to the UN beyond the CEDAW-OP and CRPD-OP, and concluded that the benefits of the communication procedure remain unclear. The UN process is not an appeal mechanism, it cannot reverse decisions of the domestic courts, and it cannot result in an enforceable award of compensation for the applicant. The UK is a party to the ECHR, thus people in the UK already have access to the application process to the ECtHR.

Paragraph 48 — Counter-terrorism and human rights protections

279. The UKG continues to consider that its counter-terrorism legislation and measures comply with the UK's international human rights obligations. Legislation is closely scrutinised by the UK Parliament during its passage, and can be kept under scrutiny by parliamentary committees including the Joint Committee on Human Rights. The HRA requires that all legislation must be interpreted and given effect, as far as possible, in accordance with the ECHR; where it is not possible to do so, the courts can quash secondary legislation or issue a 'declaration of incompatibility' in relation to primary legislation. The UKG's decisions in individual cases can be overturned by the courts, and it is unlawful for a public authority to act in a way that is incompatible with ECHR rights.

280. Terrorism legislation is regularly reviewed by the Independent Reviewer of Terrorism Legislation, who can make recommendations to the UKG. In his report on the operation of the core Terrorism Acts, published on 1 December 2016, the then Independent Reviewer found that "the overall picture seems to me one of appropriately strong laws, responsibly implemented and keenly scrutinised by Parliament and by the courts". He also observed that "ECtHR decisions since 2011 have tended to uphold elements of UK law applicable to terrorism as consistent with European human rights standards".

281. Statistics on the operation of police powers under the Terrorism Act 2000 are available on the UKG's portal.[44] Officers working in counter-terrorism policing receive a range of training appropriate to their individual roles and responsibilities. These courses are subject to regular review, including periodically by the independent HMICFRS.

282. Where there have been complaints against the UK for non-observance of international standards these have been properly investigated and redress for wrong doing given. See also the UKG response to Paragraph 33 above.

283. Following the terrorist attacks in London (on 22 March, 3 June and 19 June 2017) and Manchester (on 22 May 2017), the Prime Minister ordered a review of the UK's counter-terrorism strategy to make sure the police and security services have all the powers they need to address the threat.

Paragraph 49 — Any other information

284. On 23 June 2016, the UK held a referendum on its EU membership. The UK voted to leave the EU. On 29 March 2017, the Prime Minister notified the EU of the UK's intention to leave and begin the formal process of withdrawal. On 13 July 2017, the UKG introduced the European Union (Withdrawal) Bill in the UK Parliament. The Bill is currently undergoing the parliamentary process.

285. In September 2017, a BBC undercover investigation into Brook House IRC, run by G4S, revealed allegations of abusive treatment of detainees by a few G4S staff. The UKG condemns any actions that put the safety or dignity of IRC detainees at risk and we expect the highest standards from detainee custody officers and others who work with detainees.

[44] www.gov.uk/government/statistics/operation-of-police-powers-under-the-terrorism-act-2000-quarterly-update-to-june-2017

All detainees should be treated with dignity and respect and we expect G4S to carry out a thorough investigation into these allegations, and that all appropriate action be taken swiftly and rigorously.